

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DESIREE B. OLAECHEA,

Plaintiff,

-against-

BRENTWOOD UNION SCHOOL DISTRICT,

Defendant.

For Online Publication Only

ORDER

20-CV-01037 (JMA) (ARL)

FILED

CLERK

8/14/2020 1:52 pm

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

AZRACK, United States District Judge:

On March 17, 2020, pro se plaintiff Desieree B. Olaechea (“plaintiff”) filed a complaint against the Brentwood Union School District (“defendant”) alleging employment discrimination and retaliation claims together with an application to proceed in forma pauperis. For the reasons that follow, the application to proceed in forma pauperis is denied without prejudice and with leave to renew upon completion of the enclosed AO 239 in forma pauperis application form (Long Form). Alternatively, plaintiff may remit the \$400.00 filing fee.

Plaintiff provided the name and address of her employer, Brentwood Union School District, indicated that she is “currently on leave,” and wrote “0” in response to the questions that call for the amount of wages or pay received in the past twelve (12) months. (IFP App. ¶ 2.) Plaintiff has checked the boxes on the form to indicate that she has not received any money from any source within the last twelve (12) months. (Id. ¶ 3.) Plaintiff avers that she has \$0 in cash or in a checking or savings account and she reports no items of value, including jewelry, artwork, real estate or automobiles other than a “car loan -\$350.” (Id. ¶ 4.) Plaintiff reports regular monthly expenses, including housing, transportation, and utilities, including the car loan reported in response to question 5, totaling \$4,634. (Id. ¶ 6.) In addition, plaintiff reports that she is 100% responsible for

the support of her four daughters, but she does not include the amount she contributes for their support, as required on the form.¹ (Id. ¶ 7.) In response the question that calls for the identification of any debts or other financial obligations, plaintiff reports a Chase mortgage in the amount of \$17,000 and “credit card debt - over \$15,000.” (Id. ¶ 8.)

Because the responses provided by plaintiff on the in forma pauperis application raise more questions than they answer, and do not permit the Court to conclude that plaintiff is qualified to proceed in forma pauperis, plaintiff’s application is denied without prejudice to a renewal thereof upon completion of the AO 239 in forma pauperis application form (Long Form) annexed to this Order. Under the circumstances, plaintiff can best set forth her current financial position on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within thirty (30) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of Court shall mail a copy of this Order and the AO 239 in forma pauperis application form to the plaintiff at her last known address.

SO ORDERED.

Dated: August 14, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE

¹ Plaintiff does not include the ages for her daughters but has included their full names. If her daughters are minors, she must identify them only by their initials in accordance with the E-Government Act.